

Remarks

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

Claims 11 and 29 have been canceled without prejudice. Claims 1, 4, 6, 12, 13, 15, 20, 26, and 30 have been amended, and claims 32-37 have been added. It is believed that the amended and new claims are supported by the application as originally filed. For example, support can be found in paragraphs [0029], [0035], [0045], and [0048] of the specification and in FIGS. 1, 4, 8, and 11 of the drawings. Consequently, claims 1-10, 12-28 and 30-37 are currently pending and under consideration.

Claim Objections

In item 1 of the Office Action, claims 6, 20-21, and 29-30 were objected to because of informalities. In particular, claim 6 has been amended to remove “further comprising”. Claim 20 has been amended to refer to “expression member” and claim 29 has been canceled. Applicant respectfully requests these objections to be withdrawn.

Independent Claim 1

In item 3 of the Office Action, claim 1 was rejected under 35 USC 102(b) over Searle et al. (US Patent Application Publication No. 2002/0087180; herein “Searle”). However, Searle fails to disclose, either expressly or inherently, all of the features recited in amended claim 1. For instance, Searle fails to disclose “a band positioned to contact skin that is deformable to squeeze skin around the incision” as recited in amended claim 1.

It should be recognized that the central boss 20 does not correspond to the recited band. First, the central boss 20 does not contact skin. Secondly, the central boss is not deformable and thus incapable of squeezing skin around an incision. The user, in Searle, places skin against the cap 16 which does not squeeze the skin. “To use the lancet 10, the user places a finger (or other body part over the outer surface 40 of the cap 16, over the access hole 42, and squeezes the cap and body 12 together.” (Para. 0026) As such, there is no band in Searle “that is deformable to squeeze skin around the incision”. For these and other reasons, it is believed that claim 1 and its dependent claims are not anticipated by Searle.

In item 6 of the Office Action, claim 3 was rejected under 35 USC 103(a) over Searle et al. in view of Lange et al. (US Patent No. 5,318,584; herein “Lange”). In addition to the reasons given above for the patentability of amended independent claim 1, it is believed that dependent claim 3 is also allowable. For example, both Searle and Lange together fail to disclose “a band positioned to contact skin that is deformable to squeeze skin around the incision” as recited in claim 1. Lange concerns a blood lancet device for withdrawing blood for diagnostic purposes with the aid of a lancet drive in a housing, and a lancet holder with a lancet positioned in it. The device in Lange does not squeeze skin around the incision. For this and other reasons, the Applicants respectfully submit that independent claim 1 along with its respective dependent claims are allowable over the references of record and request that the rejection of claim 3 under 35 U.S.C. § 103 be withdrawn.

It is also believed that dependent claim 4 is allowable over Searle in view of Lange. In item 6 of the Office Action, claim 4 was rejected under 35 USC 103(a) over Searle in view of Lange. For similar reasons as stated for dependent claim 3, Applicants respectfully submit that independent claim 1 along with its respective dependent claims are allowable over the references of record and request that the rejection of claim 4 under 35 U.S.C. § 103 be withdrawn.

In item 7 of the Office Action, claim 8 was rejected under 35 USC 103(a) over Searle et al. in view of Mitchen (US Patent No. 5,014,718; herein “Mitchen”). In addition to the reasons give above for the patentability of amended independent claim 1, it is believed that dependent claim 8 is also allowable. For instance, both Searle and Mitchen together fail to disclose “a band positioned to contact skin that is deformable to squeeze skin around the incision” as recited in amended independent claim 1. In contrast, looking at FIG. 2 of Mitchen, Mitchen discloses a cup shaped top 15 into which a finger is placed. The finger presses down on top of the cup until the cover 14 collapses. There is no band in Mitchen that squeezes and compresses skin near the incision. For this and other reasons, the Applicants respectfully submit that independent claim 1 along with its respective dependent claims are allowable over the references of record and request that the rejection of claim 8 under 35 U.S.C. § 103 be withdrawn.

It is also believed that dependent claim 9 is allowable over Searle in view of Mitchen. In item 7 of the Office Action, claim 9 was rejected under 35 USC 103(a) over Searle in view of Mitchen. For similar reasons as stated for dependent claim 8, Applicants respectfully submit that independent claim 1 along with its respective dependent claims are allowable over the references of record and request that the rejection of claim 9 under 35 U.S.C. § 103 be withdrawn.

Independent Claim 12

In item 3 of the Office Action, claim 12 was rejected under 35 USC 102(b) over Searle. However, Searle fails to disclose, either expressly or inherently, all of the features recited in amended claim 12. For instance, Searle fails to disclose “an expression member having a skin contacting portion” as recited in claim 12, as amended. Searle also fails to disclose “a skin contacting portion that is moveable between a relaxed position around an incision in skin and a contracted position around the incision in skin to compress and squeeze the skin near the incision” as recited in amended claim 12. The locking member 18 in Searle cannot correspond to a skin contacting portion as recited in amended claim 12 because the locking member 18 does not contact skin. In Searle, “once the barbed portion 48 of the locking member 18 enters the access hole 42 of the cap 16, the cap travels quickly to the fully contracted position.” (FIG. 8; Para. 0026) Additionally, Searle discloses “the user places a finger over the outer surface 40 of the cap 16, over the access hole 42.” (Para. 0025) The locking member 18 in Searle cannot correspond to a skin contacting portion recited in claim 12 because the locking member 18 in its fully contracted position (FIG. 8) does not contact skin. Instead the outer surface 40 of the cap (not the locking member 18) in Searle contacts skin. As stated above, in Searle, the outer surface 40 of the cap does not compress and squeeze the skin near the incision. For these and other reasons, it is submitted that claim 12 and its dependent claims are not anticipated by Searle.

As noted above, Searle fails to disclose all of the features recited in amended claim 12 and Lange fails to remedy the above discussed missing features. In item 6 of the Office Action, claim 15 was rejected under 35 USC 103(a) over Searle et al. in view of Lange et al. (US Patent No. 5,318,584; herein “Lange”). For example, both Searle and Lange fail to disclose “a skin contacting portion that is moveable between a relaxed position around an incision in skin and a contracted position around the incision in skin to compress and squeeze the skin near the

incision.” Lange discloses a “[s]ealing cap 124 is closed at the first face 126 with the exception of puncture opening 84, the outer surface 126a of face 126 being placed on an area of skin during the use of the blood lancet device 2.” (Col. 8, ll. 34-38) Looking at FIG. 1 of Lange, sealing cap 124 is not moveable. For this and other reasons, the Applicants respectfully submit that independent claim 12 along with its respective dependent claims are allowable over the references of record and request that the rejection of claim 15 under 35 U.S.C. § 103 be withdrawn.

It is also believed that dependent claim 16 is allowable over Searle in view of Lange. In item 6 of the Office Action, claim 16 was rejected under 35 USC 103(a) over Searle in view of Lange. For similar reasons as stated for dependent claim 15, Applicants respectfully submit that independent claim 12 along with its respective dependent claims are allowable over the references of record and request that the rejection of claim 16 under 35 U.S.C. § 103 be withdrawn.

As noted above, Searle fails to disclose all of the features recited in amended claim 12 and Mitchen fails to remedy the above discussed missing features. In item 7 of the Office Action, claim 23 was rejected under 35 USC 103(a) over Searle et al. in view of Mitchen. Both Searle and Mitchen together fail to disclose “a skin contacting portion that is moveable between a relaxed position around an incision in skin and a contracted position around the incision in skin to compress and squeeze the skin near the incision” as recited in amended claim 12. In contrast, looking at FIG. 2 of Mitchen, there is no skin contacting portion that squeezes and compresses the skin near the incision. Instead, Mitchen discloses a cup shaped top 15 into which a finger is placed. For this and other reasons, the Applicants respectfully submit that independent claim 12 along with its respective dependent claims are allowable over the references of record and request that the rejection of these claims under 35 U.S.C. § 103 be withdrawn.

It is also believed that dependent claim 24 is allowable over Searle in view of Mitchen. In item 7 of the Office Action, claim 24 was rejected under 35 USC 103(a) over Searle in view of Mitchen. For similar reasons as stated for dependent claim 23, Applicants respectfully submit that independent claim 12 along with its respective dependent claims are allowable over the

references of record and request that the rejection of claim 24 under 35 U.S.C. § 103 be withdrawn.

Independent Claim 26

It is believed that claim 26 as currently amended is now allowable over the references of record. In item 4 of the Office Action, claims 26-31 were rejected under 35 USC 102(b) over Douglas et al. (US Patent No. 6,332,871; herein “Douglas”). It is submitted that Douglas fails to disclose or suggest all of the features recited in independent claim 26, as currently amended. For example, Douglas fails to disclose “rotating the compression member about the expression member” as recited in claim 26.

Looking at FIGS. 12A & 12B, Douglas discloses “[w]hen the skin is pierced the secondary springs 49 retract the needle from the wound and initiate the stimulation ring 25 oscillation system to force blood flow to the wound.” (Col. 16, ll. 58-63) “The oscillation of the stimulator ring is driven by the motor 51. The battery 56 provides energy to run the motor 51 which oscillates the stimulator ring 25 to pump the blood 61 from the surrounding capillaries in the skin into the wound.” (Col. 16, ll. 65 – Col. 17, ll. 5) Douglas discloses the stimulator ring oscillates; however, there is no mention of rotating a compression member. Since Douglas fails to disclose all of the features recited in claim 26, it fails to anticipate claim 26. For this and other reasons, independent claim 26 and its dependent claims are allowable over the references of record.

New Claims

It is believed that new claims 32-37 are patentable over the references cited in the Office Action. In particular, it is believed that claims 32-35 are dependent on allowable amended independent claim 1. It is likewise believed that independent claim 36 and dependent claim 37 are allowable over the references of record. For example, both Searle and Lange fail to disclose or “a compression member having a plurality of lobes, the plurality of lobes configured to contact and to rotate over the plurality of nubs in order to squeeze the skin contacting portion” as recited in claim 36. As mentioned previously, the devices in Lange and Searle do not squeeze skin around the incision, and furthermore, they lack the recited lobes and nubs.

Conclusion

It should be understood that the above remarks are not intended to provide an exhaustive basis for patentability or concede the basis for the rejections in the Office Action, but are simply provided to overcome the rejections made in the Office Action in the most expedient fashion.

In view of the above amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and an early notice of allowance is earnestly solicited. If after reviewing this amendment the Examiner feels that any issues remain which must be resolved before the application can be passed to issue, the Examiner is invited to contact the undersigned representative by telephone to resolve such issues.

Respectfully submitted,

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